

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Industries and Power Department

Notification

2-93-71-IPD

In Government Notification of even number dated 4-5-1972 published in Government Gazette Series I, No. 5, the following corrections are hereby ordered.

i) First paragraph of Annexure I with subtitles starting with «Information for the candidates etc.» and ending with «Penalty clauses in tariffs» on page No. 46, of the said Gazette, should be read between the sentences «By order and in the name of the Administrator of Goa, Daman and Diu» and «Legal aspects of Electric Power supply tariff ... etc.»

ii) The Annexure II starting with «Application Form» and ending with «(6) Centre at which to be examined» on page No. 46 of the said Gazette, should be read after the sentence «(vi) Procedure of execution of works and preparation of works abstracts.» appearing on the same page i.e., at the end of Annexure I.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries & Labour.
Panaji, 24th May, 1972.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/28-GA(28)/72

1. As required under Section 66(1) of the Major Port Trusts Act, 1963, it is hereby notified that the Board of Trustees of the Mormugao Port Trust has decided to raise an open market loan of Rs. 100.00 lakhs (Rs. one hundred lakhs only) by issue of 12 years Bonds bearing interest of $5\frac{3}{4}$ per cent per annum, at par, to meet the part cost of the Port's Development Project.

2. The Bonds are guaranteed by the Central Government as to repayment of the principal and payment of interest thereon. The Bond will be trustee securities under Indian Trusts Act, 1882 and appro-

ved securities for the purposes of Insurance Act, 1938 and the Banking Regulations Act, 1949.

3. The issue will be open for public subscription on 15th June, 1972 to 17th June, 1972 both days inclusive. The Board reserves the right to retain subscription received upto 10 per cent in excess of the sum of Rs. 100.00 lakhs.

4. The Bonds will have a currency of 12 years and will be repaid at par on 15th June, 1984. Interest will be payable half yearly on 15th December and 15th June each year.

5. The Bonds will be issued in the forms of Promissory Notes payable to or to the order of specified person or persons. Promissory notes will be in the denomination's of Rs. 100, Rs. 1,000, Rs. 5,000, Rs. 10,000, Rs. 25,000 and Rs. 1,00,000.

6. Applications for the Bonds will be received at the Main Office of the State Bank of India, Bombay and Branch at Vasco da Gama, Goa.

7. Brokerage will be paid at the rate of 6 paise per Rs. 100 (nominal) to banks and registered brokers on allotments made. An additional amount of 38 paise per Rs. 100 (nominal) will be paid as Underwriting Commission to every subscriber who subscribes and is allotted Rs. 10,00,000 or more.

By order,

M. J. Kurian
Deputy Secretary

Mormugao, 2nd June, 1972.

Notification

MPT/IGA(98)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963 the amendment to the Mormugao Port Employees' (Recruitment, Seniority and Promotion) Regulations, 1964 adopted by the Board is hereby published:—

Insert the following as new Sub-clause 13(b) and renumber the existing Regulation 13 as 13(a):—

“13(b): Instructions contained in the draft directive sent by the Addl. Secretary and Director General, Ministry of Finance, Bureau of Public Enterprises, New Delhi vide d.o. letter No. 5(5)/71-BPE(IC) dated 25-1-1972 to the Secretary Ministry of Shipping and Transport, New Delhi will apply to all appointments in the

Mormugao Port Trust covered under the said directive and to which direct recruitment is made and that concessions in regard to maximum age, educational qualifications and medical standards etc. to disabled ex-servicemen will be extended, keeping in view the guide-lines laid down in the Ministry of Home Affairs O.M. No. 14/42/65-Estt(D) of 24-8-1966".

By Order

Shivakumar Dhindaw

Secretary

Mormugao, 22nd March, 1972.

(2nd time)

Notification

MPT/IGA(161)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963 the draft of Mormugao Port Trust (Issue and Management of Bonds) Regulations, 1972 adopted by the Board are hereby published: —

1. Short title and application. — (1) These regulations may be called the Mormugao Port Trust (Issue and Management of Bonds) Regulations, 1972.

(2) They shall apply to Bonds issued and sold by the Board of Trustees of Mormugao Port Trust under Chapter VII of the Major Port Trusts Act, 1963.

2. Definitions. — In these regulations unless there is anything repugnant in the subject or context;

(a) "ACT" means the Major Port Trusts Act, 1963,

(b) "BONDS" means Bonds issued and sold by the Board of Trustees of the Mormugao Port Trust

(c) "BOARD" means the Board of Trustees of Mormugao Port Trust constituted under the Act;

(d) "DEFACED BOND" means a Bond which has been made illegible and rendered undecipherable in material parts and the material parts of a Bond are those where: —

(i) the number, the issue to which it appertains and the face value of the Bond, or payment of interest are recorded, or

(ii) the endorsement or the name of the payee is written, or

(iii) the renewal receipt or the memorandum of transfer is supplied,

(e) "FORM" means a form as set out in the schedule to these regulations,

(f) "LOST BOND" means a Bond which has actually been lost and shall not mean a Bond which is in possession of some person adversely to the claimant,

(g) "MUTILATED BOND" means a Bond which has been destroyed, torn or damaged in material parts thereof,

(h) "OFFICE OF ISSUE" means the office of the Board of Trustees of Mormugao Port Trust on the

books of which a Bond is registered or may be registered,

(i) "PRESCRIBED OFFICER" means the Financial Adviser and Chief Accounts Officer or such Officers of the Board as may be authorised by the Board for the purpose of Regulations 10, 11, 12, 13, 15, 16 and 17;

(j) "STOCK CERTIFICATE" means the Stock Certificate issued under the Regulation 3.

3. Form of the Bond and the mode of transfer thereof etc. — 1. A Bond may be issued in the form of —

a) a promissory note payable to, or to the order of a certain person; or

b) stock registered in the books of the Board for which Stock Certificates are issued.

2. i) A Bond issued in the form of a promissory note shall be transferable by endorsement and delivery like a promissory note payable to order,

ii) No writing on a Bond issued in the form of a promissory note shall be valid for the purpose of negotiation if such writing purports to transfer only a part of the amount denominated by the Bond.

3. A Bond issued in the form of a Stock Certificate and registered in the books of the Board shall be transferable either wholly or in part by execution of an instrument of transfer in Form V. The transferor in such a case shall be deemed to be the holder of the Bonds issued in the form of stock to which the transfer relates until the name of the transferee is registered by the Board.

4. i) A Bond shall be issued with the common seal of the Board over the signature of the Chairman of the Board which may be printed, engraved or lithographed or impressed by such other mechanical process as the Board may direct.

ii) a signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the signatory himself.

5. No endorsement of a Bond in the form of a Promissory note or no instrument of transfer in the case of a Bond in the form of a stock Certificate shall be valid unless made by the signature of the holder or his duly constituted attorney or representative inscribed in the case of a Bond in the form of a promissory note on the back of the Bond itself and in the case of a stock Certificate on the instrument of transfer.

4. Trust not recognised. — (i) The Board shall not be bound or compelled to recognise in any way, even when having notice thereof, any trust or any right in respect of a bond other than an absolute right thereto in the holder.

(ii) Without prejudice to the provisions of sub-regulation (i), the Board may as an act of grace and without liability to the Board record in its books such directions by the holder of a Bond issued in the form of stock for the payment of interest on, or of the maturity value of, or the transfer of or

such matters relating to the stock as the Board thinks fit.

5. Provision for holding Bonds issued in the form of the stock certificate by trustees and office holders.

1. A bond in the form of Stock Certificate may be held by a holder of an office —

a) in his personal name, described in the books of the Board and in the Stock Certificate as a Trustee whether as a trustee of the trust specified in his application or as a trustee without any such qualification, or

b) by the name of his office.

2. On an application made in writing to the Board in the Form required by the Board the person in whose name a Bond stands and on surrender of the Bond, the Board may —

a) make an entry in its books describing him as a trustee of a specified trust or as a trustee without specification of any trust and issue a Stock Certificate in his name described as trustee with or without the specification of the trust as the case may be, or

b) issue a Stock Certificate to him by the name of his office and make an entry in its books describing him as the holder of the stock by the name of his office according to the applicant's request provided —

(i) the request is in conformity with the provisions of sub-regulation (1) hereof.

(ii) the necessary evidence required by the Board in terms of sub-regulation (7) has been furnished; and

(iii) the Bond if it is in the form of promissory note has been endorsed in favour of the Board and if in the form of Stock Certificate has been received by the registered holder in Form X.

3. The Stock Certificate under sub-regulation (1) may be held by the holder of the office either alone or jointly with another person or persons or with a person or persons holding an Office.

4. When the stock is held by a person in the name of his office, any documents relating to the stock certificate concerned may be executed by the person for the time being holding the Office by the name in which the stock certificate is held as if his personal name were so stated.

5. Where any transfer-deed, power of attorney or other document purporting to be executed by a stock certificate holder described in the books of the Board as a trustee or as a holder of an office is produced to the Board, the Board shall not be concerned to inquire whether the stock-holder is entitled under the terms of any trust or document or rule to give any such power or to execute such deed or other document, and may act on the transfer deed, power of attorney or document in the same manner as though the executant is a stock certificate holder and whether the stock certificate holder is or is not described in the transfer deed, power of attorney or document as a trustee or as a holder of an Office and whether he does or does not purport to execute the transfer deed, power of attorney or document in his capacity as a trustee or as a holder of the office.

6. Nothing in these regulations shall, as between any trustees or office holders, or as between any trustees or office holders and the beneficiaries, under a trust or any document or rules, be deemed to authorise the trustees or office holders to act otherwise than in accordance with the rules of law applying to trust the terms of the instrument constituting the trust or the rules governing the association of which the stock certificate holder is a holder of an office and neither the Board nor any person holding or acquiring any interest in any stock certificate shall by reason only of any entry in any register maintained by the Board in relation to any stock certificate or of any stock certificate holder or of anything in any document relating to stock certificate be affected with notice of any trust or of the fiduciary character of any stock certificate holder or of any fiduciary obligation attaching to the holding of any stock certificate.

7. Before acting on any application made, or on any document purporting to be executed, in pursuance of this regulation by a person as being the holder of any office, the Board may require the production of evidence that such person is the holder for the time being of that office.

6. Persons disqualified to be holders. — No minor and no person who has been found by a competent court to be of unsound mind shall be entitled to be a holder of Bond.

7. Payment of Interest. — (1) Interest on a Bond in the form of a promissory note shall be paid by the office of issue or any other office of the Board specified in the Bond prospectus subject to compliance by the holder of the Bond with such formalities as the Board may require, and on presentation of the Bond.

(2) Interest on a Bond in the form of stock Certificate shall be paid by warrants issued by the Board and payable at the office of the State Bank of India in Vasco da Gama. The presentation of the Stock Certificate shall not be required at the time of payment of interest but the payee shall acknowledge the receipt at the back of the warrant.

8. Procedure where Bond in the form of a promissory note is lost etc. — (1) Every application for the issue of a duplicate Bond in place of a Bond which is alleged to have been lost, stolen, destroyed, mutilated or defaced, either wholly or in part shall be addressed to the office of issue, and shall contain the following particulars, namely: —

(a) Particulars of the Bond according to the following form: —

Bond for Rs. ... No ... of the ... percent Bond ...

(b) Last half year for which interest has been paid;

(c) the Person to whom such interest was paid;

(d) the person in whose name Bond was issued (if known);

(e) the circumstances attending the loss, theft, destruction, mutilation or defacement; and

(f) whether the loss or theft was reported to the police.

(2) Such application shall be accompanied by:—

(a) where the Bond was lost in the course of transmission by registered post, the Post Office registration receipt for the letter containing the Bond.

(b) a copy of the police report, if the loss or theft was reported to the Police;

(c) if the applicant is not the registered holder, an affidavit sworn before a magistrate testifying that the applicant was the last legal holder of the Bond, and all documentary evidence necessary to trace back the title to the registered holder; and,

(d) any portion or fragments which may remain of the lost, stolen, destroyed, mutilated, or defaced bond.

9. Notification in Gazette.—The loss, theft, destruction, mutilation or defacement of a bond or portion of a bond or portion of a bond in the form of a promissory note shall forthwith be notified by the applicant in three successive issues of the Gazette of India and of the local Official Gazette, if any of the place where the loss, theft, destruction, mutilation or defacement occurred. Such notification shall be in the following form or as nearly in such form as circumstances permit:—

“Lost”, (“stolen”, “destroyed”, “mutilated”, or “defaced” as the case may be)

The Mormugao Port Trust Bond ... No. ... of the ... per cent. Bond for Rs. ... originally standing in the name of ... and last endorsed to ... the proprietor, by whom it was never endorsed to any other person having been lost, (stolen, destroyed, mutilated or defaced) notice is hereby given that payment of the above bond and the interest thereupon has been stopped at the office of issue, and that application is about to be made or has been made for the issue of a duplicate in favour of the proprietor. The public are cautioned against purchasing or otherwise dealing with the above-mentioned bond.

Name of person notifying:—

Residence:

10. Issue of duplicate Bond and taking of indemnity.—(1) After the publication of the last notification prescribed in Regulation 9, the prescribed officer shall, if he is satisfied of the loss, theft, destruction, mutilation or defacement of the bond and of the justice of the claim of the applicant, cause the particulars of the Bond to be included in a list published under Regulation 12, and shall order the office of issue:—

(a) If only a portion of the Bond has been lost, stolen, destroyed, mutilated or defaced, and if a portion thereof sufficient for its identification has been produced, to pay interest and to issue to the applicant, on execution of an indemnity such as is hereinafter mentioned a duplicate bond in place of that of which a portion has been so lost, stolen, destroyed, mutilated or defaced either immediately after the

publication of the list under Regulation 12 or on the expiry of such period as the prescribed officer may consider necessary from the date of publication of the said list;

(b) if no portion of the bond so lost, stolen, destroyed, mutilated or defaced, sufficient for its identification has been produced—

(I) to pay to the applicant, two years after the publication of the said list, and on the execution of an indemnity in the manner hereinafter prescribed, the interest in respect of the bond so lost, stolen, destroyed, mutilated or defaced till the expiry of the period of four years as next hereinafter provided; and

(II) to issue to the applicant a duplicate bond in place of the bond so lost, stolen, destroyed, mutilated or defaced four years after the date of publication of the said list; provided that—

(i) if the date on which the bond is due for repayment falls earlier than the date on which the said period of four years expires, the prescribed officer shall within six weeks, of the former date, invest the principal amount due on the bond in the Post Office Savings Bank, and shall repay this amount, together with any interest which may have accrued thereon in such Bank, to the applicant at the time when a duplicate bond would otherwise have been issued, and

(ii) if at any time before the issue of the duplicate bond the original bond is discovered or it appears to the office of issue for other reasons that the order should be rescinded, the matter shall be referred to the prescribed officer for further consideration and in the meantime all action on the order shall be suspended. An order passed under this sub-regulation shall on expiry of the period of four years referred to therein, become final unless it is in the meantime rescinded or otherwise modified.

(2) The prescribed officer may, at any time prior to the issue of a duplicate bond, if he finds sufficient reason, alter or cancel any order made by him under this regulation and may also direct that the interval before the issue of a duplicate bond shall be extended by such period not exceeding four years as he may think fit.

(3) Indemnities:—(i) (a) when executed under sub-regulation (1) (a) shall be for twice the amount of interest involved, that is to say, twice the amount of all back interest accrued due on the bond plus twice the amount of all interest to accrue due thereon during the period which will have to elapse before the issue of a duplicate bond can be made, and

(b) in all other cases shall be for twice the face value of the bond plus twice the amount of interest calculated in accordance with clause (a).

(ii) The prescribed officer may direct that such indemnity shall be executed by the applicant alone or by the applicant and one or two sureties approved by him as he may think fit.

11. Procedure when a Bond in form of a stock certificate is lost etc.—(1) Every application for the issue of a duplicate Stock Certificate in place of

a Stock Certificate which is alleged to have been lost, stolen, destroyed, mutilated or defaced either wholly or in part shall be addressed to the office of issue and shall be accompanied by —

(a) the Post Office registration receipt of the letter containing the stock certificate, if the same was lost in transmission by registered post;

(b) a copy of the police report, if the loss or theft was reported to the police;

(c) an affidavit sworn before a Magistrate testifying that the applicant is the legal holder of the stock certificate and that the stock certificate is neither in his possession nor has it been transferred, pledged or otherwise dealt with by him; and

(d) any portions or fragments which may remain of the lost, stolen, destroyed, mutilated or defaced stock certificate.

(2) The circumstances attending the loss shall be stated in the application.

(3) The prescribed officer shall, if he is satisfied of the loss, theft, destruction, mutilation or defacement of the stock certificate, direct the issue of a duplicate stock certificate in lieu of the original certificate.

12. Publication of list. — (1) The list referred to in Regulation 10 shall be published half-yearly in the Gazette of India in the months of January and July or as soon afterwards as may be convenient.

(2) All bonds in respect of which an order has been passed under Regulation 10 shall be included in the first list published next after the passing of such order and thereafter such bonds shall continue to be included in every succeeding list until the expiration of four years from the date of first publication.

(3) The list shall contain the following particulars regarding each bond included therein, namely, the name of the issue, the number of the bond, its value, the name of the person to whom it was issued, the date from which it bears interest, the name of the applicant for a duplicate, the number and date of the order passed by the prescribed officer for payment of interest or issue of a duplicate, and the date of publication of the list in which the bond was first included.

13. Determination of a mutilated Bond as a Bond requiring issue of duplicate. — It shall be at the option of the prescribed officer to treat a bond which has been mutilated or defaced as a bond requiring issue of a duplicate under Regulation 10 or a mere renewal under Regulation 16.

14. When a Bond in the form of a promissory note may be required to be renewed. — (1) A holder of a bond in the form of a promissory note may be required by the office of issue to receipt the same for renewal in any of the following cases, namely —

(a) if only sufficient room remains on the back of the bond for one further endorsement or if any word is written upon the bond across the existing endorsement or endorsements;

(b) if the bond is torn or in any way damaged or crowded with writing or unfit, in the opinion of the officer of issue;

(c) if any endorsement is not clear and distinct or does not indicate the payee or payees, as the case may be, by name or is made otherwise than in one of the endorsement pages on the back of the bond;

(d) if the interest on the bond has remained undrawn for ten years or more;

(e) if the interest cages on the reverse of the bond have been completely filled or if the vacant printed cages on the reverse of the bond do not correspond with the half years for which interest has become due on the date when the bond is presented for drawal of interest;

(f) if the bond having been enfaced three times for payment of interest is presented for re-enfacement and

(g) if in the opinion of the office of issue, the title of the person presenting the bond for payment of interest is irregular or not fully proved.

(2) When requisition for renewal of a bond has been made under sub regulation (1) payment of any further interest thereon shall be refused until it is receipted for renewal and actually renewed.

15. Person whose title to a Bond of a Deceased sole holder may be recognised. — (1) The executors or administrators of a deceased sole holder of a bond (whether a Hindu, Mohammedan, Parsi or otherwise) or the holder of a succession certificate issued under Part X of the Indian Succession Act, 1925 (39 of 1925) in respect of the Bond shall be the only persons who may be recognised by the office of issue (subject to any general or special instructions of the prescribed officer) as having any title to the bond.

(2) Notwithstanding anything contained in Section 45 of the Indian Contract Act, 1872 (9 of 1872) in the case of a bond issued, sold or held payable to two or more holders the survivors or survivor and on the death of the last survivor, his executors, administrators, or any person who is the holder of a succession certificate in respect of such bond shall be the only person who may be recognised by the office of issue (subject to any general or special instructions or the prescribed officer) as having any title to the bond.

(3) The office of the issue shall not be bound to recognise such executors or administrators unless they shall have obtained probate or letters of administration as the case may be from a competent court or office in India, having effect at the place of situation of the office of issue, provided that in any case where the prescribed officer in his absolute discretion thinks fit, it shall be lawful for him to dispense with the production of probate or letters of administration or other legal representation upon such terms as to indemnity or otherwise as he may think fit.

16. Receipt of renewal etc. — (1) Subject to any general or special instructions of the prescribed officer, the office of issue may, by its order, on the application of the holder —

(a) on his delivering the bond or bonds in the form of promissory note or notes and on his satisfying the office of issue regarding the justice of his claim, renew, sub-divide or consolidate the note or

notes, provided the note or notes has or have been receipted in form-I, II or III, as the case may be, or

(b) convert the note or notes into a stock certificate or stock certificates provided the note or notes has or have been endorsed as follows:—

“Pay to the Mormugao Port Trust”, or

(c) renew, sub-divide or consolidate a stock certificate or stock certificates provided the stock certificate or stock certificates has or have been receipted in Form VI, VII or VIII, as the case may be, or

(d) convert the stock certificate or stock certificates into promissory note or notes provided the stock certificate or stock certificates has or have been receipted in Form IX, or

(e) convert the bonds of one series into those of another provided—

(i) inter series conversion is permissible, and

(ii) the conditions governing such conversion are complied with.

(2) The office of issue may, under the orders of prescribed officer, require the applicant for renewal, sub-division or consolidation of a bond under the sub-regulation (1) to execute an indemnity in Form IV with one or more sureties approved by him.

17. Renewal of Bond in case of dispute as to title.—Where there is a dispute as to the title to a bond in respect of which an application for renewal has been made, the prescribed officer may:—

(a) where any party to the dispute has obtained a final decision from a court of competent jurisdiction declaring him to be entitled to such bond, issue a renewed bond in favour of such party, or

(b) refuse to renew the bond until such a decision has been obtained.

Explanation:—For the purposes of this regulation, the expression “final decision” means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

18. Liability in respect of bond renewed etc.—When a duplicate bond has been issued under Regulation 10 or a renewed bond has been issued or a new bond has been issued upon sub-division or consolidation under Regulation 16, in favour of a person, the bond so issued shall be deemed to constitute a new contract between the Board and such person and all persons deriving title thereafter through him.

19. Discharge.—The Board shall be discharged from all liability in respect of the bond or bonds paid on maturity or in place of which a duplicate, renewed, sub-divided or consolidated bond or bonds has or have been issued:—

(a) in the case of payment, after the lapse of six years from the date on which payment was due;

(b) in the case of a duplicate bond after the lapse of six years from the date of the publication under Regulation 12 of the list in which the bond is first mentioned, or from the date of the payment of inte-

rest on the original bond referred to in Regulation 10 whichever date is later;

(c) in the case of a renewed bond or of a new bond issued upon sub-division or consolidation after the lapse of six years from the date of issue thereof.

20. Discharge in respect of interest.—Save as otherwise expressly provided in the terms of the bond, no person shall be entitled to claim interest on any such bond in respect of any period which has elapsed after the earliest date on which demand could have been made for the payment of the amount due on such bond.

21. Discharge of a Bond.—When a bond becomes due for payment of principal, the bond shall be presented at the office of the Board at which interest thereon is payable or at the office of issue duly signed by the holder on its reverse.

22. Fees to be paid in respect of issue of stock certificates; duplicate securities and of renewal, conversion, consolidation & sub-division etc.—A fee of Rs. 3.00 (Rupees Three only) will be levied in respect of the issue of stock certificates, duplicate securities and of the renewal, conversion, consolidation and sub-division of securities.

23. Exercise of powers on behalf of the board.—The powers exercisable by the Board under Regulations 4(ii), 5(2), 5(7) and 7(1) may be exercised on behalf of the Board by the Chairman of the Board of Trustees and in his absence the Financial Adviser and Chief Accounts Officer of the Board.

THE SCHEDULE

FORM I

[See regulation 16(1)(a)]

Form of endorsement for renewal of a Bond in form of a promissory note.

Received in lieu hereof, a renewed Note payable to (name of holder), with interest payable by the Board of Trustees of the Mormugao Port Trust ...

Signature of the holder/duly authorised representative of (name of holder) ...

FORM II

[See regulation 16(1)(a)]

Form of endorsement for sub division of a bond in the form of a Promissory note

Received in lieu hereof Notes for Rs. ... respectively, payable to (name of holder) ... with interest payable by the Board of Trustees of the Mormugao Port Trust

Signature of the holder/duly authorised representative of (name of holder) ...

FORM III

[See regulation 16(1)(a)]

Form of endorsement for consolidation of bonds in the form of promissory notes.

Received in lieu hereof a new note payable to (name of holder) for Rs. ... by consolidation with Note or Notes No(s) mentioning the numbers and amounts of the other Notes desired to be consolidated with it and specifying the issue)

with interest payable by the Board of Trustees of the Mormugao Port Trust....

Signature of the holder/duly authorised representative of (name of holder) ...

FORM IV

[See regulation 16(2)]

Know all men by these presents that We @ ... Son of ... Resident of ... and £ ... son of ... Resident of ... and ... son of ... Resident of ... hereby bind ourselves and each of us, our and each of our heirs, executors, administrators and representatives and all of them jointly and severally to the Board of Trustees of the Mormugao Port Trust as constituted under the Major Port Trusts Act, 1963 (hereinafter called «the said Board») for payment of the sum of Rs. ... to the said Board, its certain attorneys, successors and assigns.

AND I/each of us the said ... hereby covenant with the said Board that if any suit shall be brought touching the subject matter of this obligation or the condition hereunder written in any court subordinate to the Court of the Judicial Commissioner of Goa, Daman and Diu at Panaji the same may, at the instance of the said Board whoever may be a Party to such suit be removed unto, tried and determined by, the said Court of the Judicial Commissioner in its extraordinary original civil jurisdiction at Panaji.

WHEREAS THE said ... (@) ... has applied to the said Board, for the renewal/consolidation/sub-division of bond (bonds) issued by the said Board mentioned in the schedule hereto.

AND WHEREAS the said Board has consented and agreed to accept the said application on the said (@) ... with two good and sufficient sureties entering into and executing the above written bond subject to the condition hereunder written:

AND WHEREAS the above bounden ... (and) ... *at the request of the said (*If there are two sureties) @ ... has (have) agreed to become surety (sureties) for (@) and to join with the said ... (@) in executing the above written bond.

Now the condition of the above written bond is such that if the above bounden ... (@) and (£) or each of them or their heirs, executors, administrators or representatives or any or either of them shall from time to time and at all times hereafter effectually save, defend, keep harmless and indemnified the said Board from and against the claims and demands of all persons claiming to be entitled to the bond (bonds) issued by the said Board mentioned in the schedules hereto or to any interest thereon and of other persons whomsoever in respect of the said bond (bonds) or the renewal thereof or the payment of interest thereon and from and against all damages, losses, costs, charges and expenses which the said Board may sustain, incur or be liable to for or in consequence of any such claim or demand or by reason of the issue of renewed bond (bonds) as aforesaid or the payment of any interest due on the said bond (bonds) or renewed bond (bonds) then the above written bond shall be void but otherwise the same shall remain in full force and effect.

Signed and delivered by ... in the presence of ... and of ...

Date:

The Schedule herein referred to

Nature & description of the bond	Number	Date of issue	Amount
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@ Principal.

£ Sureties.

FORM IV

Form of Transfer

[See regulation 8(3)]

I/We ... do hereby assign and transfer my/our interest or share in the inscribed stock of the ... per cent Mormugao Port Trust Bonds of ... amounting to Rs. ... being the amount/a portion of the stock for Rs. ... as specified on the face of this instrument together with the accrued interest thereon unto ... his/her/their/executors, administrators or assigns, and I/We ... do freely accept the above stock transferred to me/us. to the extent it has been transferred

I/We @ ... hereby request that on my/our@ being registered as the holder/s of the stock hereby transferred to me/us the aforesaid stock certificates @/certificates the aforesaid stock certificate to the extent it has been transferred to me@/us may be renewed in my @/our name(s)/converted in my/our @name(s).

**I/We ... hereby request that on the above transferee(s) being registered as the Holder(s):

(ii) the necessary evidence required by the Board in terms of sub-regulation (7) has been furnished; and

(iii) the Bond if it is in the form of promissory note has been endorsed in favour of the Board and if in the form of stock Certificate has been receipted by the registered holder in Form X.

(3) The Stock Certificate under sub-regulation (1) may be held by the holder of the Office/either alone or jointly with another person or persons or with a person or persons holding an office.

(4) When the stock is held by a person in the name of his office, any documents relating to the stock certificate concerned may be executed by the person for the time being holding the office by the name in which the stock certificate is held as if his personal name were so stated.

(5) Where any transfer-deed, power of attorney or other document purporting to be executed by a stock certificate holder described in the books of the Board as a trustee or as a holder of an office is produced to the Board, the Board shall not be concerned to inquire whether the stock-holder is entitled under the terms of any trust or document or rules to give any such power or to execute such deed or other document, and may act on the transfer deed power of attorney or document in the same manner as though the executant is a stock certificate holder and whether the stock certificate holder is or is not described in the transfer deed power of attorney or document as a trustee or as a holder of an office and whether he does or does not purport to execute the transfer deed, power of attorney or document in his capacity as a trustee or as a holder of the office.

(6) Nothing in these regulations shall, as between any trustees or office holders, or as between any trustees or office holders and the beneficiaries, under a trust or any document or rules, be deemed to authorise the trustees or office holders to act otherwise than in accordance with the rules of law applying to trust the terms of the instrument constituting the trust or the rules governing the association of which the stock certificate holder is a holder of an office and neither the Board nor any person holding or acquiring any interest in any stock certificate shall by reason only of any entry in any register maintained by the Board in relation to any stock certificate or any stock certificate holder or of anything in any document relating to stock certificate be affected with notice of any trust or of the fiduciary character of any stock certificate holder or of any fiduciary obligation attaching to the holding of any stock certificates.

(7) Before acting on any application made, or on any document purporting to be executed, in pursuance of this regulation by a person as being the holder of any office, the Board may require the production of evidence that such person is the holder for the time being of that office.

@ Principal.

6. Persons disqualified to be holders:

No minor and no person who has been found by a competent court to be of unsound mind shall be entitled to be a holder of Bonds.

7. Payment of interest:

- (1) Interest on a bond in the form of a promissory note shall be paid by the office of issue or any other office of the Board specified in the bond prospectus subject to compliance by the holder of the bond with such formalities as the Board may require, and on presentation of the bond each (together with a new stock certificate for the balance amounting to Rs. ... with interest payable by the Board ...)

Signature of the registered holder/duly authorised representative (name of the registered holder) ...

FORM X

[See regulation 5(2)(b) (iii)]

Form of receipt for renewal of a Bond issued in the form of a stock Certificate.

Received in lieu hereof a renewed Stock Certificate of the ... per cent Mormugao Port Trust Bonds ... for Rs. ... in favour of ... with interest payable by the Board of Trustees of the Mormugao Port Trust.

...
(Signature of the registered holder)

By Order

Shivakumar Dhindwa

Secretary

Mormugao, 29th May, 1972.

(2nd time)